

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Quintin M. Littlejohn,)
Plaintiff,) C/A No. 3:04-2545-RBH
vs.)
Judi Gatson; and All agents in active)
concert, both individually and in their)
official capacity,)
Defendants.)

)

O R D E R

Plaintiff Quintin M. Littlejohn was confined in the South Carolina Department of Corrections until May of 2003. He is now confined in the "Columbia Care Center" of the South Carolina Department of Mental Health. Plaintiff, appearing *pro se*, brings this complaint against a television reporter for an NBC affiliate in Columbia, South Carolina, WIS. It appears that the defendant delivered a news segment on mentally ill persons on July 22, 2004. The news segment, according to plaintiff, was broadcast at 6:00 and 11:00 p.m. on July 22, 2004. It is not clear from the complaint whether the plaintiff appeared in the news segment of the broadcast, although he states that the "lead" defendant "does use Plaintiff to try to show in illegal formation."

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge William M. Catoe for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. §§ 1915 and 1915A, and filed a Report and Recommendation on August 19, 2004. The Magistrate Judge recommended that the action be dismissed *without prejudice* and without issuance and service of process because the complaint fails to allege facts which set forth a claim currently cognizable in a federal district court. Plaintiff

filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has reviewed the Report, pleadings, memoranda, and applicable law. The Court adopts the Report and Recommendation and incorporates it herein by reference. The complaint is **dismissed *without prejudice*** and without issuance of service of process.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

July 8, 2005
Florence, South Carolina